

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ayumu KURIMOTO et al.

Application No. 10/593,691

Confirmation No. 3128

Filed: December 4, 2006

Art Unit: 1624

For: 9-SUBSTITUTED 8-OXOADENINE
COMPOUND

Examiner: M. L. Berch

INFORMATION DISCLOSURE STATEMENT

October 12, 2010

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby submit an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08.

II. COPIES

☒ a. Copies of foreign patent documents, non-patent literature and other information.

☐ b. REFERENCES PREVIOUSLY CITED OR SUBMITTED: Copies of any information not provided can be found in one or more of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

III. CONCISE EXPLANATION OF THE RELEVANCE

☐ a. NON-ENGLISH LANGUAGE DOCUMENTS: A concise explanation of the relevance of all non-English language patents, publications, or other information listed is as follows:

☐ b. ENGLISH LANGUAGE SEARCH REPORT OR FOREIGN PATENT OFFICE COMMUNICATION: An English language version of the search report or Foreign Patent Office communication that indicates the degree of relevance is attached.

☒ c. OTHER: **The items Foreign Patent Documents JP-9-347422; JP-9-367451; and JP-9-367449 were crossed through as not considered by the Examiner in the forms SB-08 returned with the Notice of Allowance mailed July 13, 2010; the Examiner indicated that complete copies of the items were not provided, and being priority documents, they were not published. Complete copies and English translations of previously submitted documents for Foreign Patent Documents JP-9-347422; JP-9-367451; and JP-9-367449, are now provided, and the items are listed as "Non-patent literature" since they have no publication date.**

Several other items were crossed through on the forms SB-08 returned by the Examiner in the Notice of Allowance mailed July 13, 2010, indicating that they were not considered by the Examiner. The items crossed through have corresponding English language documents that were considered by the Examiner as follows:

JP 10-501533A1 = US 6110923; JP 10-507171 = US 5736549; JP 2007-504232 = US 200554590; WO1998/01448 = US 6028076; WO 2002/085905 = US 7157465; WO 2006/129784 = EP 1908480; WO 2004/029054 = US 2006052403; WO 2005/092892 = copending application 10/594074; WO 2005/092893 = the present application; WO2007/034817 = copending application 12/067649; WO 2007/034917 = copending application 12/067651. The Examiner was given notice of a number of copending applications on February 18, 2010.

WO 2004/011481 has been crossed through on the forms SB-08 returned by the Examiner in the Notice of Allowance mailed July 13, 2010, indicating that it was not considered by the Examiner. This item is considered irrelevant or cumulative of other items that were considered by the Examiner.

IV. STATEMENT UNDER 37 C.F.R. § 1.97(e)

The undersigned hereby states that:

☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than **30 days** prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office; or

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than **three months** prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information in the IDS were cited in a communication from a foreign patent office. Such items were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this

IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office. As to the remaining items of information, to the knowledge of the person signing the certification after making reasonable inquiry, such remaining items were not known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

V. FEES

☒ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application or Request for Continued Examination. No fee is required.

☐ b. This Information Disclosure Statement is being filed within three months of the filing date of an application. No fee is required.

☐ c. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits. No fee is required. If a first Office Action on the merits has issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) above. If no statement has been made, charge our deposit account for the required fee.

☐ d. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action or before the mailing date of a Notice of Allowance (see 37 C.F.R. § 1.97(c)(1)).

☐ No statement. The fee as required by 37 C.F.R. § 1.17(p) is provided.

or

☐ See the above statement. No fee is required.

☐ e. This Information Disclosure Statement is being filed after the mailing date of a Final Office Action or after the mailing date of a Notice of Allowance (see 37 C.F.R. § 1.97(d)), see the statement above. The fee as required by 37 C.F.R. § 1.17(p) is provided.

VI. PAYMENT OF FEES

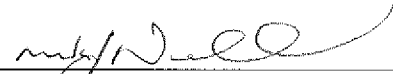
☐ The required fee is listed on the attached Fee Transmittal.

☒ No fee is required.

If the Examiner has any questions concerning this IDS, please contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the USPTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

Dated: October 12, 2010

Respectfully submitted,

By 
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Attachments:

☒ PTO/SB/08
☒ Documents